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Paper No. [#]6

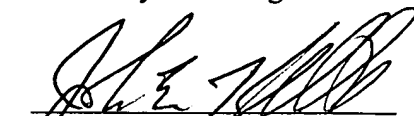
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|--|------------------------|
| In re Application of | : DECISION ON PETITION |
| Courtney F. Morgan et al | : TO WITHDRAW |
| Serial No. : 09/915,773 | : HOLDING OF |
| Filed : July 26, 2001 | : ABANDONMENT |
| For : Rollable Intraocular Lens Having Reduced Thickness : | |

This is a decision on petitioner's request filed March 10, 2003 (certificate of mailing dated February 25, 2003), to review the holding of abandonment mailed January 31, 2003, for failure to respond to the Office action mailed July 2, 2002. There is no fee required for this petition.

It is noted that a proper response was timely received July 24, 2002 as is evidenced by the copy of a PTO stamped receipt submitted by applicant. Further proof of the timely receipt of the response is a copy, submitted by requester, of a paper titled Request for Substitute Papers mailed by the Office to applicants on August 8, 2002 indicating receipt of the papers in question but requesting a copy of the papers as the received papers were no longer in condition to become part of the permanent records of the United States Patent and Trademark Office due to the United States Postal Service sanitation process. Submitted with the instant request are a copy of the response received July 24, 2002 and a statement from petitioner indicating that the copy is a complete and accurate copy of the papers in question

In view of the above, the Notice of Abandonment mailed January 31, 2003, is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed July 24, 2002.

Summary: Holding of Abandonment Withdrawn.


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